

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 23-23960-CIV-ALTONAGA/Damian
CASE NO. 23-24388-CIV-ALTONAGA**

**STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,**

Plaintiff,

v.

ZAIBUN IQBAL, *et al.*,

Defendants.

_____ /

ZAIBUN IQBAL

Plaintiff,

v.

**STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,**

Defendant.

_____ /

ORDER

THIS CAUSE came before the Court *sua sponte*.

Federal Rule of Civil Procedure 42 authorizes the Court to “consolidate [] actions” if they “involve a common question of law or fact[.]” Fed. R. Civ. P. 42(a) (alterations added). The above captioned cases are related actions. Case Number 23-23960-CIV, the first-filed federal action, involves a declaratory judgment claim by State Farm regarding whether Zaibun Iqbal’s liability claim against Justin Granados is covered by a State Farm policy and whether the settlement agreement between Iqbal and Granados legally assigns any claims Granados has against

CASE NO. 23-23960-CIV-ALTONAGA/Damian

CASE NO. 23-24388-CIV-ALTONAGA

State Farm. *See generally State Farm Mut. Auto. Ins. Co. v. Iqbal*, No. 23-23960-Civ, Am. Compl. [ECF No. 13] filed Nov. 3, 2023 (S.D. Fla. 2023) (“First-Filed Compl.”). Case Number 23-24388-CIV, the second-filed federal action, involves claims by Iqbal against State Farm for State Farm’s alleged failure to defend and indemnify Granados in an underlying lawsuit, for statutory bad faith, and common law bad faith. *See generally Iqbal v. State Farm Mut. Auto. Ins. Co.*, No. 23-24388-Civ, Compl. [ECF No. 1-2] filed Nov. 16, 2023 (S.D. Fla. 2023) (“Second-Filed Compl.”).

The actions involve overlapping facts, legal questions, witnesses, and evidence. *Compare* First-Filed Compl. *with* Second-Filed Compl. Consolidation of these cases is appropriate to avoid unnecessary duplication of the parties’ and judicial labor and effort. Accordingly, it is

ORDERED AND ADJUDGED as follows:


1. Case Numbers 23-23960-CIV and 23-24388-CIV are **CONSOLIDATED** for all purposes. The Clerk of Court shall **CLOSE** Case Number 23-24388-CIV, and all pending motions in Case Number 23-24388 are **DENIED as MOOT**. All future filings in these related actions shall be made under **Case Number 23-23960-CIV-ALTONAGA/Damian** only.
2. The parties are to comply with the November 21, 2023 Order Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [ECF No. 28].
3. Once Defendants, Zaibun Iqbal, Justin Granados, and DJS Diesel Performance, Inc. submit answers to the operative complaint, they may assert any counterclaims they have, at which time Plaintiff, State Farm Mutual Automobile Insurance Company may reassert its dismissal arguments from the second-filed action. *See Iqbal v. State Farm Mut. Auto Ins. Co.*, No. 23-24388-Civ, Mot. Dismiss [ECF No. 5] filed

CASE NO. 23-23960-CIV-ALTONAGA/Damian

CASE NO. 23-24388-CIV-ALTONAGA

Nov. 20, 2023 (S.D. Fla. 2023).

DONE AND ORDERED in Miami, Florida, this 5th day of December, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record